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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,118	01/22/2004	Brent Emerson	DSG00021-R	5922

34202 7590 03/10/2005  
DUNLOP SLAZENGER GROUP  
100 MAXFLI DRIVE  
WESTMINSTER, SC 29693

EXAMINER

GORDON, RAEANN

ART UNIT PAPER NUMBER

3711

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SN

<b>Office Action Summary</b>	<b>Application No.</b> 10/763,118	<b>Applicant(s)</b> EMERSON ET AL.	
	<b>Examiner</b> Raeann Gorden	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-15 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. No antecedent basis for metal stearate (should depend from claim 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuntimaddi et al (US 2005/0009636) in view of Watanabe (US 2001/0031673). Regarding claims 1 and 7, Kuntimaddi discloses a golf ball comprising a core and cover. The cover may be made from polymers such as HPF-1000, commercially available from DuPont [0263, 0275]. Since the material, HPF-1000, is identical to the material disclosed by applicant all features associated with the cover are possessed by Kuntimaddi, i.e., neutralization of acid, flexural modulus, Shore D. Kuntimaddi discloses

Art Unit: 3711

a core that may be made from polybutadiene and further discloses any suitable core material known to one of ordinary skill in the art is suitable. Watanabe teaches a two-piece golf ball comprising a core made from polybutadiene, zinc diacrylate, organic peroxide, zinc oxide, zinc stearate, and barium sulfate (filler) (page 5, table 1). Since Kuntimaddi in view of Watanabe discloses the golf ball claimed by applicant the spin rate and COR limitations are also satisfied. The weight of the golf ball is considered an obvious feature. It is well known the USGA has a maximum weight of 45.9 g for all golf balls. Regarding claims 2-6 and 11, HPF-1000 includes each limitation. Regarding claim 8, Kuntimaddi discloses a core diameter from 1.5 to 1.6 [0288] and Watanabe teaches a core diameter of at least 38.7 mm or 1.52 and a weight of at least 35.5 g [0019]. The compression will be the same since the materials are identical to applicant's. Regarding claim 9, Kuntimaddi discloses a cover thickness 0.05 inch or less [0290]. Regarding claim 10, Kuntimaddi discloses a ball diameter of at least 1.680 inches [0287]. The weight of 45.5 g is obviously possessed by Kuntimaddi in view of Watanabe. The core weight of Watanabe is identical to applicants and the cover material and thickness of Kuntimaddi is identical to applicant's. Regarding claims 12-15, Kuntimaddi discloses a golf ball comprising a core and cover. The cover may be made from polymers such as HPF-1000, commercially available from DuPont [0263, 0275]. Since the material, HPF-1000, is identical to the material disclosed by applicant all features associated with the cover are possessed by Kuntimaddi, i.e., items i, ii, and iii of claims 12 and 15. Kuntimaddi discloses a core that may be made from polybutadiene and further discloses any suitable core material known to one of ordinary

Art Unit: 3711

skill in the art is suitable. Watanabe teaches a two-piece golf ball comprising a core made from polybutadiene, zinc diacrylate, organic peroxide, zinc oxide, zinc stearate, and barium sulfate (filler) (page 5, table 1). Since Kuntimaddi in view of Watanabe discloses the golf ball claimed by applicant the compression, spin rate and COR limitations are also satisfied. One of ordinary skill in the art would have modified the core of Kuntimaddi with the core of Watanabe for enhanced performance.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 571-272-4409. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/763,118  
Art Unit: 3711

Page 5

Rg  
February 25, 2005



RAEANN GORDEN  
PRIMARY EXAMINER